

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

AFZA ANJUM, JANET TERRANA,
VERONICA MONAHAN and CAMILLE
FOREST, on behalf of themselves and
all others similarly situated,

Plaintiffs
v.

J.C. PENNEY COMPANY, INC.,
J.C. PENNEY CORPORATION, INC.,

Defendants.

Civil Action No. 13-CV-00460 (RJD)(RER)

**DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' FIRST AMENDED
COMPLAINT WITH PREJUDICE**
ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that Defendants J.C. PENNEY COMPANY, INC. and J.C. PENNEY CORPORATION, INC., ("Defendants"), by and through their counsel, will move this Court before the Honorable Raymond J. Dearie, U.S.D.J. at the United States District Court, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, at such time as Defendants may be heard, for an Order dismissing the Complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that opposition papers must be served on the undersigned by no later than September 12, 2013.

Dated: August 13, 2013

Respectfully submitted,

/s/ Jed L. Marcus

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2013, I served Defendants' Motion to Dismiss Plaintiff's Complaint with Prejudice with Plaintiffs' counsel via overnight express and email to: Lee S. Shalov, Esq., McLaughlin & Stern, LLP, 260 Madison Avenue, New York, New York 10016.

/s/ Jed L. Marcus
Jed L. Marcus, Esq.